

assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Operating permits program approvals under section 502 of the Act do not create any new requirements, but simply approve requirements that the City/County are already imposing. Therefore, because the Federal operating permits program approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State/local action. The Act forbids the EPA from basing its actions concerning operating permits programs on such grounds (*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct 1976); 42 U.S.C. 7410(a)(2)).

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedures, Intergovernmental relations, Operating permits.

Dated: December 23, 1994.

A. Stanley Meiburg,

Acting Regional Administrator (6A).

40 CFR part 70 is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by adding paragraph (b) to the entry for New Mexico to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

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New Mexico

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(b) City of Albuquerque Environmental Health Department, Air Pollution Control Division: submitted on April 4, 1994; effective on March 13, 1995; interim approval expires August 10, 1996.

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40 CFR Part 271

[FRL-5136-2]

Kentucky; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Kentucky has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Kentucky's revisions consist of the provisions contained in Non-HSWA Clusters IV and V. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Kentucky's applications and has made a decision, subject to public review and comment, that Kentucky's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Kentucky's hazardous waste program revisions. Kentucky's applications for program revisions are available for public review and comment.

DATES: Final authorization for Kentucky's program revisions shall be effective March 13, 1995 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Kentucky's program revision applications must be received by the close of business February 9, 1995.

ADDRESSES: Copies of Kentucky's program revision applications are available during normal business hours at the following addresses for inspection and copying: Kentucky Department for Environmental Protection, Division of Waste Management, Fort Boone Plaza, Building 2, 18 Reilly Road, Frankfort, Kentucky 40601 (502) 564-6716; U.S. EPA Region IV, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Al Hanke at the address listed below.

FOR FURTHER INFORMATION CONTACT:

Al Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act

("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260-268 and 124 and 270.

B. Kentucky

Kentucky initially received final authorization for its base RCRA program effective on January 31, 1985. Kentucky has received authorization for revisions to its program on December 19, 1988, March 20, 1989, May 15, 1989, and November 30, 1992. On August 3, 1994, Kentucky submitted program revision applications for additional program approvals. Today, Kentucky is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Kentucky's applications and has made an immediate final decision that Kentucky's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Kentucky. The public may submit written comments on EPA's immediate final decision up until February 9, 1995. Copies of Kentucky's application for these program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Kentucky's program revisions shall become effective March 13, 1995, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to

comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for

authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Kentucky is today seeking authority to administer the following Federal requirements promulgated on July 1, 1987–June 30, 1988, known as Non-HSWA Cluster IV and on July 1, 1988–June 30, 1989, known as Non-HSWA Cluster V.

Checklist	Federal requirement	FR reference	FR promulgation date	State authority
40	List (Phase I) Hazardous Constituents for Groundwater Monitoring.	52 FR 25942	7/9/87	KRS 224.46–510(3); KRS 224.46–520(1)&(4); 401 KAR 34:060 9(8)(b), 9(8)(c), 9(8)(d)1 & 10(6); 401 KAR 34:360 1 & 2; 401 KAR 38:100 2(4)(b).
41	Identification and Listing of Hazardous Waste.	52 FR 26012	7/10/87	KRS 224.46–510(3); KRS 224.46–530(2); 401 KAR 31:040 4(3), 4(5), 4(6).
43	Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee.	52 FR 44314	11/18/87	KRS 224.46–505; KRS 224.46–520(3)&(6); KRS 224.46–530(1)&(2); 401 KAR 34:120 7(2)(a) & 7(2)(b); 401 KAR 34:165 1(2); 401 KAR 35:120 7(2)(a) & 7(2)(b).
45	Hazardous Waste Miscellaneous Units.	52 FR 46946	12/10/87	KRS 224.46–520(1),(3),(4); 401 KAR 34:050 4(2)(f); KRS 224.46–530(1)(2); 401 KAR 30:010 1(85)(g) & (i); 401 KAR 34:020 1(2), 6(2)(d), 9(2)(a), 9(2)(b); 401 KAR 34:060 1(4); 401 KAR 35:070 2(3), 3(1)(b), 5, 8(1)(a)1, 8(1)(a)2, 9(2)(a), 9(2)(b)1, 9(2)(b)2; 401 KAR 34:090 1(1); 401 KAR 34:100 1(1); 401 KAR 34:120 2; 401 KAR 34:250 1–4; 401 KAR 38:090 2(5)&(13); 401 KAR 38:230 1(1)–(5); KRS 224.40–305.
46	Identification and Listing of Hazardous Waste; Technical Correction.	53 FR 13382	4/22/88	KRS 224.46–510(3); KRS 224.46–530(2); 401 KAR 31:040 4(3); 4(5), 4(6).
49	Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption.	53 FR 27290	7/19/88	KRS 224.46–510(3); 401 KAR 30:010 1(217); 401 KAR 31:010 4(5).
52	Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems.	53 FR 34079	9/2/88	KRS 224.46–520(1); KRS 224.46–530(1)(e), (1)(g), (1)(m), (2); 401 KAR 30:010 1(86)&(87); 401 KAR 34:070 5; 401 KAR 34:190 1(1), 1(2), 4(6)(c), 4(7)(c)3; 401 KAR 35:070 1(2), 5.
53	Identification and Listing of Hazardous Waste and Designation of Reportable Quantities and Notification.	53 FR 35412	9/13/88	KRS 224.01–010(31)(b); KRS 224.46–510(2) & (3); KRS 224.46–530(1) & (2); 401 KAR 31:040 3,4(5) & (6); 401 KAR 31:030; 401 KAR 31:040.
54	Permit Modifications for Hazardous Waste Management Facilities.	53 FR 37912 53 FR 41649	9/28/88 10/24/88	KRS 224.40–310 (2), (4), (5) & (8); KRS 224.46–520(1) & (3); KRS 224.46–530(1)(e) & (1)(g); 401 KAR 38:040 3.
55	Statistical Methods for Evaluating Groundwater Monitoring Data From Hazardous Waste Facilities.	53 FR 39720	10/11/88	KRS 224.46–520; KRS 224.46–530(1)(g), 1(h), (1)(i); 401 KAR 34:060 2(1), 3, 8(1), 8(7)–(10), 9(3)–(4), 9(6)–(8), 10(3)–(4), 10(6)–(10).
56	Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes.	53 FR 43878	10/31/88	KRS 224.01–010(31)(b); KRS 224.46–510(2)–(3); KRS 224.46–530(1)–(2); 401 KAR 31:040 3, 4(5)–(6).
57	Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes.	53 FR 43881	10/31/88	KRS 224.01–010(31)(b); KRS 224.46–510(2)–(3); KRS 224.46–530(1)–(2); 401 KAR 31:040 3, 4(5)–(6).
59	Hazardous Wastes Miscellaneous Units; Standards Applicable to Owners and Operators; Technical Correction.	54 FR 615	1/9/89	KRS 224.01–510(3); KRS 224.46–520(1)&(3); KRS 224.46–530(1)(e)–(g); 401 KAR 38:090 2(5) & 2(13).
60	Amendment to Requirements for Hazardous Waste Incinerator Permits.	54 FR 4286	1/30/89	KRS 224.40–310; KRS 224.46–520(1); 401 KAR 38:060 3(4).
61	Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Permits; Procedures for Post-Closure Permitting.	54 FR 9596	3/7/89	KRS 224.46–520(1)(2)(3)&(4); 401 KAR 38:020 3(1)–(2); KRS 224.46–530(1)(a)–(f)&(2); 401 KAR 38:010 1(2); 401 KAR 38:050 12(1); 401 KAR 38:040 3; 401 KAR 38:070 11.

Kentucky is not authorized to operate the Federal program on Indian Lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Kentucky's applications for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Kentucky is granted final authorization to operate its hazardous waste program as revised.

Kentucky now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision applications and previously approved authorities. Kentucky also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Kentucky's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping

requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 19, 1994.

Patrick M. Tobin,

Acting Regional Administrator.

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 302-11

[FTR Amendment 43]

RIN 3090-AF56

Federal Travel Regulation; Relocation Income Tax (RIT) Allowance Tax Tables

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: The Federal, State, and Puerto Rico tax tables for calculating the relocation income tax (RIT) allowance must be updated yearly to reflect changes in Federal, State, and Puerto Rico income tax brackets and rates. The Federal, State, and Puerto Rico tax tables contained in this rule are for calculating the 1995 RIT allowance to be paid to relocating Federal employees.

DATES: Effective dates: The new tables in this final rule are effective January 1, 1995. The change to the 1992 Puerto Rico tax table in this final rule is effective January 1, 1993.

Applicability dates: The new tables in this final rule apply for RIT allowance payments made on or after January 1, 1995. The change to the 1992 Puerto Rico tax table in this final rule applies for RIT allowance payments made on or after January 1, 1993.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, General Services Administration, Transportation Management Division (FBX), Washington, DC 20406, telephone 703-305-5745.

SUPPLEMENTARY INFORMATION: This amendment provides the tax tables necessary to compute the relocation

income tax (RIT) allowance for employees who are taxed in 1995 on moving expense reimbursements. In addition, the Internal Revenue Service (IRS) informed the General Services Administration (GSA) that the Puerto Rico tax table for 1992 which the IRS provided GSA contained an error. This amendment corrects that error.

GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Part 302-11

Government employees, Income taxes, Relocation allowances and entitlements, Transfers.

For the reasons set out in the preamble, 41 CFR part 302-11 is amended to read as follows:

PART 302-11—RELOCATION INCOME TAX (RIT) ALLOWANCE

1. The authority citation for part 302-11 continues to read as follows:

Authority: 5 U.S.C. 5721-5734; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586; E.O. 12466, 49 FR 7349, 3 CFR, 1984 Comp., p. 165.

2. Appendixes A, B, C, and D to part 302-11 are amended by adding the following tables at the end of each appendix, respectively; and by removing the rate "33" from the table titled "Puerto Rico Marginal Tax Rates by Earned Income Level—Tax Year 1992" in appendix D, and adding in its place the rate "36":

Appendix A to Part 302-11—Federal Tax Tables for RIT Allowance

* * * * *

Federal Marginal Tax Rates by Earned Income Level and Filing Status—Tax Year 1994

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in § 302-11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1994.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	\$6,492	\$30,068	\$11,603	\$43,304	\$15,846	\$55,773	\$7,738	\$27,855
28	30,068	67,256	43,304	97,172	55,773	115,653	27,855	58,980